

Remarks

Applicant notes that the Examiner has made the Office Action final.

MPEP 706.07(a) states that “under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37CFR 1.97(c).”

The latter part of the foregoing extract of MPEP 706.07(a) is not relevant to the present case. However, the former part is applicable.

In section 2 of the Office Action, the Examiner indicates that applicant's previous arguments are moot in view of the new ground(s) of rejection. Thus, the Examiner confirms that the grounds of rejection presented in the Office Action do indeed comprise new grounds. It is implicit in this statement that the applicant's previous arguments have been persuasive. Given that the applicant made only clarifying, but not any substantive, changes to the claims in applicant's previous response, it follows that the new grounds of rejection are necessary not because of any amendments to the claims made by the applicant in response to the previous grounds of rejection but because the Examiner has reconsidered his previous grounds of rejection and now accepts that he was wrong on the merits. Thus, it is the shifting sands of the Examiner's position that has necessitated the new grounds of rejection and nothing done on the part of the applicant.

How is it possible, therefore, in the light of what is clearly stated in MPEP 706.07(a) and in light of the recent conduct of the examination procedure to conclude that the most recent Office Action be made final? It would seem that this conclusion has been arrived at not upon any proper or reasonable consideration of

the circumstances but because it is likely that it is procedurally expedient for the Examiner, and by extension the USPTO, to make as many of second and subsequent Office Actions as possible final in order to hasten prosecution of applications and/or 'extract' more fees from applicants.

There is no justification in the present case for making the Office Action final. The Examiner is therefore requested to withdraw the finality of the Office Action.

35 U.S.C. §112

Claims 16 and 17 have each been amended in a manner which is believed to address the issues identified by the Examiner. Applicants have amended each of these claims to resolve the issues identified in order that they are not raised again, but note here that amendment is not actually necessary since it is beyond doubt what the term "its" and "their" refer to in said claims.

35 U.S.C. §103(a)

Considering claim 1, the Examiner has rejected this claim under 35 U.S.C. 103(a) as being unpatentable over Gleneck (US2002/0041588) in view of Galasso et al (US6374302) and further in view of Peek et al (US2002/0049768).

Claim 1 has been amended to more clearly distinguish the present invention over the combination of Gleneck, Galasso and Peek. Claim 1 as amended requires that the gatekeeper "*identifies a plurality of gateways having a terminal associated therewith where said terminal has an identifier identical to the destination terminal identifier comprising the request*". This leads to the possibility of different implementations whereby the gatekeeper either sends all or some (at least one) of the IP addresses of the identified gateways to the source gateway and the source gateway then chooses one of the identified gateways as a means of contacting the

destination terminal or the gatekeeper only sends the IP address of one of the identified gateways (based on some criterion such as cost or information such as source gateway identifier carried in the request) to the source gateway for use in contacting the destination terminal, i.e. the gatekeeper itself chooses which of the identified gateways should be used for the connection. Thus, claim 1 as amended requires the gatekeeper to firstly identify a plurality of gateways having terminals associated therewith matching the identifier of the destination terminal contained in the request before sending to the source gateway the IP address(es) of one or more (i.e. at least one) of the identified gateways.

As acknowledged by the Examiner, neither of Gleneck or Galasso teaches or suggests that same terminal identifiers may be used in different zones of the network. In fact, the underlying presumption in the networks of both Gleneck and Galasso is that each of the terminals in the network has a unique identifier, irrespective of whether said terminals are located in different zones or not. The Examiner refers to Peek as teaching that same terminal identifiers are used by different callers at different locations. Thus, the Examiner concludes that it would have been obvious for one of ordinary skill to combine the system of Gleneck and Galasso with the teaching of Peek to use the same terminal identifiers at different locations because the combination of teachings would improve the system of Gleneck and Galasso by increasing the number of terminals that can connect to the network and decrease the number of different terminal identifiers which would provide efficient network management.

However, the combination of Gleneck, Galasso and Peek as proposed by the Examiner cannot arrive at the arrangement of the present invention as claimed. In modifying the combination of Gleneck and Galasso with the teaching of Peek to use same terminal identifiers for different callers for different locations, this creates the very problem addressed by the present invention, namely that different terminals in

different zones have identical identifiers. Peek provides a solution to this problem which is quite different to that of the present invention.

In the present invention, the data store of the gatekeeper will contain identifiers for terminals that are identical although connected in different zones to different gateways. Thus, when the destination terminal identifier comprising the request is processed, a number of different gateways will be identified as candidates for use by the source gateway in making a connection to the destination terminal. This may lead to different implementations of the network.

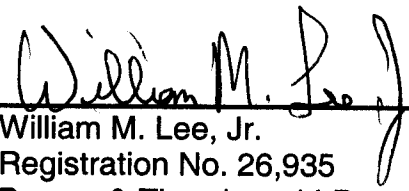
In the case of Peek, it is disclosed at paragraph 0048 that the voice directory database 135 is arranged in a manner to prevent mishandled calls due to the same numbers (identifiers) being assigned to different callers at different locations. The manner in which such mishandling of calls may be arranged is to uniquely identify each caller by resolving any numbers that are the same to allow unique identification. This can be achieved by storing each of said same numbers in the database 135 with a prefix whereby the combination of the number and prefix for each caller uniquely identifies that caller in the database 135. Therefore, in applying the teaching of Peek to the combination of Gleneck and Galasso, one of ordinary skill would modify the data store of the gatekeeper to resolve conflict between same identifiers for different terminals by adding prefixes to said identical identifiers to thereby uniquely identify said different terminals in the data store of the gatekeeper. However, this requires a greater processing effort and storage capacity for the gatekeeper of the combination of Gleneck, Galasso and Peek than that required for the gatekeeper of the present invention. Furthermore, by uniquely identifying each caller (terminal) in the data store of the gatekeeper of the combination of Gleneck, Galasso and Peek removes the need for the gatekeeper to identify a plurality of gateways associated with terminals having the same identifier as that contained in the request, but consequently reduces the number of possible implementations enabled by the present invention thereby reducing network versatility.

Therefore, the combination of Gleneck, Galssso and Peek cannot arrive at the present invention as defined by claim 1. The same consideration is equally applicable to remaining independent claims which are also novel and not rendered obvious by the foregoing combination of references.

Favorable reconsideration of this application is requested.

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Respectfully submitted,


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